

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DARRICK L. FULLER,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:21-cv-931
	)	
SAMUEL S. PAGE, Rockingham	)	
County Sheriff,	)	
	)	
Respondent.	)	

**ORDER**

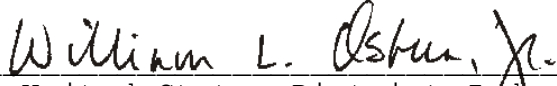
This matter is before this court for review of the Order and Recommendation ("Recommendation") filed on December 9, 2021, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 2.) In the Recommendation, the Magistrate Judge recommends that this action be construed as a habeas petition under 28 U.S.C. § 2254 and dismissed sua sponte without prejudice to Petitioner exhausting his state court remedies and then filing a new petition which corrects certain defects of the current Petition, accompanied by either the five-dollar filing fee or the current application to proceed in forma pauperis. No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED. IT IS FURTHER ORDERED** that this action is construed as a habeas petition under 28 U.S.C. § 2254 and **DISMISSED** sua sponte without prejudice to Petitioner exhausting his state court remedies and then filing a new petition which corrects certain defects of the current Petition, accompanied by either the five-dollar filing fee or the current application to proceed in forma pauperis.

A Judgment dismissing this action will be filed contemporaneously with the Order.

This the 22nd day of March, 2023.

  
\_\_\_\_\_  
United States District Judge